

Milwaukee County Personnel Review Board
Meeting Minutes – May 12, 2015

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, May 12, 2015, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Dennehy, Ms. Susan A. Lueger, Ms. Mary K. Bruno, Ms. Melissa Soberalski. Mr. Carlos Pastrana was excused.

Ms. Bruno left the meeting at 3:03 p.m. after deliberating the Kim Lisowski and Douglas Felde matters (items VII. A. and C.) with the Board.

II. Approval of the Minutes of the April 28, 2015 Meeting

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by vote of 3-0, approved the minutes of the April 28, 2015 meeting. Mr. Dennehy abstained because he was not present at the April 28, 2015 meeting.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

The Board heard the report of Ms. Janz that the office received Corporation Counsel's brief regarding the Board's jurisdiction of the Jason Jahn Grievance, Case No. 4-4208.

V. First Appearances

A. DISCHARGE

**MARQUIS JOHNSON, Juvenile Correction Officer, DHHS
Case #2-4214, dated 04/30/2015**

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Marquis Johnson, who was not present, waived his right to a hearing within 21 days, requested a hearing date certain, and had applied for disability/retirement. Mr. Kuglitsch requested the Board set a hearing date certain for June 23, 2015, because Mr. Johnson should know the outcome of his retirement application at that time. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) scheduled the matter for hearing certain on June 23, 2015.

**JUDITH TAYLOR, Clerical Assistant II, DHHS
Case #2-4210, dated 04/23/2015**

The Board heard the report of David Eisner, AFSCME, District Council 48, that Judith Taylor, who was not present, waived her right to a hearing within 21 days, authorized AFSCME, District Council 48 to represent her in this matter, requested a hearing date certain, and had applied for emergency retirement. Mr. Eisner requested

the hearing be scheduled for an update on June 9, 2015. Mr. Kuglitsch concurred and added that Ms. Taylor should be able to sign her retirement paperwork on May 26. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) scheduled the matter for a status update on June 9, 2015.

B. DISCHARGE AND SUSPENSION

NOLAN GAIOVNIK, Correction Officer 1, SHERIFF

Case #1-4211, dated 04/30/2015 for IA #15-071 for 60 days

Case #2-4212, dated 05/04/2015 for IA #15-090

The Board heard the report of David Eisner, AFSCME, District Council 48, that Nolan Gaiovnick, who was present, waived his right to a hearing within 21 days, authorized AFSCME, District Council 48 to represent him in this matter, and requested a hearing date certain. Paul Kuglitsch, Assistant Corporation Counsel, had no objection. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) scheduled the matter for a status update on June 23, 2015.

C. SUSPENSION

DONNELL WILSON, Airport Maintenance Worker, DOT

Case #1-4213, dated 04/23/2015 for 10 days

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Donnell Wilson, who was not present, waived his right to a hearing, and accepted his suspension. Ms. Julie Straseske confirmed that the Board received Mr. Wilson's waiver. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) accepted the waiver and closed the case.

VI. Update

A. DISCHARGE

OSCAR RUSH, Facilities Worker Security, SHERIFF

Case #2-4209, dated 04/10/2015

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Oscar Rush, who was present, requested a hearing date certain for June 9, 2015. Mr. Rush concurred. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) scheduled the matter for hearing certain on June 9, 2015.

B. GRIEVANCE

DOUGLAS FELDE, Airport Maintenance Worker, DOT

Case #4-4192, dated 02/23/2015

The Board heard the request of David Eisner, AFSCME, District Council 48, that the Board lay over its determination of whether it had jurisdiction of Mr. Felde's grievance for one cycle because Mr. Felde was unable to make today's meeting. Paul Kuglitsch, Assistant Corporation Counsel, had no objection to laying the matter over to the next meeting if the Board needed to hear oral argument on the question of jurisdiction. The Board determined to discuss the matter in closed session today, and make a decision at the next meeting.

(See Below, Item VII.C.)

VII. Hearings

A. DISCHARGES AND SUSPENSIONS

KIM LISOWSKI, Clerical Assistant II, SHERIFF

Case #1-3538, dated 03/26/2011 for IA #11-043 for 10 days

Case #1-4104, dated 04/24/2014 for IA #13-331 for 2 days

Case #1-4105, dated 04/24/2014 for IA #13-360 for 5 days

Case #1-4106, dated 04/24/2014 for IA #14-083 for 10 days

Case #2-4133, dated 06/26/2014 for IA #14-117

Case #2-4134, dated 06/26/2014 for IA #14-148

David Eisner, Staff Representative, AFSCME, District Council 48, represented Ms. Lisowski while the appointing authority, represented by Paul Kuglitsch, Assistant Corporation Counsel, presented its case. After the appointing authority rested, Ms. Lisowski dismissed Mr. Eisner as her representative and requested a continuance to obtain legal representation. The Board denied her request as untimely because it was not made until after the appointing authority rested its case and because the matters had already been continued several times at Ms. Lisowski's request. Ms. Lisowski then represented herself for the remainder of the hearing.

At 2:48 p.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Kim Lisowski and Douglas Felde matters. At 3:02 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) found that the evidence was sufficient to sustain all alleged violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (m). The Board upheld the suspensions and discharges as issued by the appointing authority in Cases IA #13-331, IA #13-360, IA #14-083, IA #14-117, and IA #14-148. However, the Board reduced the 10-day suspension issued in Case IA #11-043 to a 7-day suspension because, although it disagreed with her actions in the incident, the Board believed Ms. Lisowski did have a right to a copy of her performance evaluation when she requested it.

B. SUSPENSIONS

BRIAN FOX, Deputy Sheriff, SHERIFF

Case #1-4195, dated 02/26/2015, for IA #14-302 for 15 days

The Board heard the report of Roy Felber, Milwaukee Deputy Sheriff's Association, that Mr. Fox waived his right to a hearing and accepted his suspension. Ms. Julie Straseske confirmed the Board received a copy of Mr. Fox's waiver from Mr. Felber. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed the case.

LASHARA SCOTT, Correction Officer I, SHERIFF

Case #1-4200, dated 02/26/2015, for IA #15-001 for 30 days

At 3:33 p.m., Ms. Lueger moved, Mr. Dennehy seconded, and the Board voted 4-0 to go into closed session to deliberate the Lashara Scott mater. At 3:36 p.m., the Board reconvened in open session.

Ms. Soberalski, Ms. Lueger moved, seconded, and the Board, by unanimous vote (3-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (r), (t), and (u), and upheld the 30-day suspension.

C. GRIEVANCE

DOUGLAS FELDE, Airport Maintenance Worker, DOT Case #4-4192, dated 02/23/2015

At 2:48 p.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Kim Lisowski and Douglas Felde matters. At 3:02 p.m., the Board reconvened in open session.

After deliberation, the Board determined that no further argument or briefing was necessary on the issue and that the Board was prepared to make a decision. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found that it did not have jurisdiction of the above-captioned grievance because the grievance concerns the application of seniority in work assignments, not hours, working conditions, or other issues the Board has jurisdiction to address under the ordinance. *See* C.G.O. ch. 17.207(1). Because the Board does not have jurisdiction of this matter, the Board accordingly dismissed the grievance and closed the case

VIII. Adjournment

Ms. Lueger moved, Mr. Dennehy seconded, and the Board, by unanimous vote (3-0), adjourned the meeting at 3:36 p.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator